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JOHN C. BAILEY, EDITOR & PROP.

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REMINISCENCES OF PUBLIC MEN.

BY EX-GOVERNOR S. F. HENRY.

[Continued from last week.]

JAMES L. PETIGRU.

I regarded Mr. Petigru, whilst living, as the most learned, able and accomplished lawyer in the United States, and he was so regarded by many others, who were more capable of judging of his attainments than myself. I have never known a more noble hearted gentleman, a more sincere friend, or a more charming companion; and this is the estimate of all who knew him. As a statesman and a politician, he was not equal to many others. His great talents and abilities were devoted, almost exclusively, to his profession. He was a Federalist of the old school, and had no very great confidence in popular or republican institutions. In other words, he did not believe that the masses of people had virtue and intelligence enough to govern themselves wisely and properly for any length of time. Like Washington and Hamilton, he doubted the experiment the American people were making in self-government, and was afraid it would not be permanent. But like them, also, he would have been willing to lay down his life in defence of the effort the people had made to administer themselves their own government.

Mr. Petigru came to Greenville in the summer of 1825, whilst I was reading law, and was frequently in Judge Earle's office. I had heard of him as a lawyer of great distinction, and as Attorney General of the State, which office he then filled, and was greatly amused at his peculiar screeching voice and witty expressions. I saw nothing more of Mr. Petigru till I met him, several years afterwards, in the Union Convention at Columbia. I was struck by a speech which he made one night, in our caucus, on the love of country. He said he had no love for the swamps of the lower country, or the mountains of the upper country, or the pines and sands of the middle country;—"Where liberty dwells there is my country!" Mr. Petigru was not in the habit of attending the sittings of the Legislature for several years after my admission to the bar. I think he was engaged professionally before the Legislature of Georgia about that time. I met him in the Legislature in 1836, and we were thrown very much together in our business and associations. I became greatly attached to him, and our relations continued of the most cordial nature till his death in 1863.

Mr. Petigru was a most devoted Union man throughout his life. He never wavered or hesitated in his course, or failed to express his opinions boldly and fearlessly; and yet no man in the State commanded more entirely the respect and confidence of the opposite party. The leading Secessionists and Nullifiers were all his personal friends, and remained so till his death. In 1851, when I started the Southern Patriot, amidst the terrible excitement and storm of secession, which had swept every Union paper out of existence in South Carolina, Mr. Petigru wrote me a most beautiful letter stating that my prospectus "had revived his heart for the republic." Until he saw that, he had despaired of the Union. He was ever one of the faithful few amidst the faithless in South Carolina. Like myself, he has always respected those of the secession party who were governed by principle, but he scorned those who betrayed their principles through cowardice, or a love of popularity and office. When the Union was broken, either of us would have defended the State as readily as any of those who brought this great calamity upon the country. But Mr. Petigru through his long life avoided taking any active part in politics. His great intellect and noble heart were devoted to the law as a science and a study, and it is as a lawyer that he will be known to fame. His code of the statute laws of South Carolina, just completed at his death, will be a noble and enduring monument of his wisdom and ability.

The practice of Mr. Petigru was

always most profitable, but his speculations and generosity ever kept him poor. On several occasions I urged him to consent to take a seat on the bench. He uniformly replied that he was too poor to entertain such an ambition. In one of his last letters on this subject, he said to me that he was then working for his creditors, and that he could not, in honor, cease to labor for them whilst life lasted, till their debts were paid. He then hoped, in a few years, to be able to discharge all of his liabilities.

Mr. Petigru was born in Abbeville District. His ancestral name was written Pettigrew, as General Pettigrew continued to write his; but in college Mr. Petigru changed the spelling of his name. His mother was of French descent, and his father Irish. On the death of his mother, he and his wife took all his brothers and sisters, educated them, and saw them well married and settled in life. Mr. Petigru was bordering on eighty at his death, and yet there was scarcely a gray hair in his head. He labored most arduously throughout his life, and yet he enjoyed life with a good deal of freedom. He drank freely at times, but, as he once told me, he always had his guage, and never went beyond it. No one he said ought ever to get drunk and fall down, or not be able to preserve the proprieties of life. He should know when he has as much as he can carry or ought to drink. Mr. Petigru was short and stout in his person, with a full face and rather long head. His forehead was not high. His features and countenance were pleasant and prepossessing; his manners plain and simple. There was no pretension or affectation about him. He drew every one to him, high or low, by his cordial heart. Everybody loved him, down to the servants who waited on him at the hotels. He was one of the best writers in the State or United States. His address before the South Carolina College, on the semi-centennial anniversary of that institution, was a most finished production, and would have done credit to the ablest writers of England or America. As a speaker, Mr. Petigru was peculiar. He did not deal in rhetoric or declamation, but his speeches were always masterpieces of logic. His language was beautiful and happy. He was a man of great taste in language and careful in the use of words. No one could express himself with more clearness and precision, or in purer language. His voice was a singular one, and he could at any time by his intonations and wit convulse his audience with laughter. It was impossible for any one to be grave when he was disposed to indulge in his peculiar humor.

Just previous to the secession of South Carolina, Mr. Petigru came to my room, in Columbia, and had with me a long and very interesting conversation in regard to the contemplated action of the State and the consequences of disunion. We both deplored the madness and folly which possessed the public mind in South Carolina at that time. Mr. Petigru said it was most amazing that the parish gentlemen should be so strongly in favor of disunion. They had more at stake than any others in preserving the Union, and would be the first to suffer from secession. They lived on the sea coast, and it would be impossible to prevent the Northern armies landing and carrying off their slaves, and, perhaps, destroying their plantations. He thought with me that disunion would be the death knell of slavery. He said there was something in the heart of every good man that told him slavery was wrong; but that we had inherited the institution from our forefathers, and could not be changed now for the benefit of the slave. We had to defend it, for in doing so were simply defending ourselves against the torch of the incendiary and the knife of the assassin. He deprecated most indignantly the acts of violence which had been committed on innocent Northern men who had come here. He alluded to a case he had prosecuted in Walterboro. I told him what I had said to Governor Means, who inquired of me what course I would take after the State seceded. In reply, I said that I had been trying for the last thirty years to save the State from the horrors of disunion, and that they were now all going to the devil, and I would go with them. He said I had expressed his own sentiments and feelings, and that we were going to the devil.

Mr. Petigru always entertained very strong Federal feelings and sentiments. During the war of 1812, there was some fellow who took offence at something Mr. Petigru had said or done, and called him "a damned rascal," which Mr.

Petigru did not notice. Immediately afterwards he called him "a damned Federalist," whereupon Mr. Petigru knocked him down. His friends expressed great surprise that he had condescended to resent anything the fellow had said. Not having noticed the first insult, they thought it wholly unnecessary to have resented the second. "No," said Mr. Petigru, "I did not care about his calling me a damned rascal, for I knew that no one would believe him; but when he called me a Federalist, I felt that there was some truth in it, and that if I did not resent the imputation the bystanders would believe it."

Mr. Petigru was, all his life, a religious man, and had great respect for all the observances of the Episcopal Church, though not a communicant. A young chancellor from the country, who was a member of the Presbyterian Church, went to Charleston to hold court for the first time, and was so aware that Good Friday was so sacredly kept in the city, that Thursday evening something was said about adjourning over till Monday. The chancellor protested, and said that he had come to dispatch the business of the court as soon as possible, and that he should sit the next day. Mr. Petigru pleasantly remarked to him that the next day was Good Friday! The Presbyterian chancellor replied that it made no difference, he could hold court on Good Friday as well as any other day. Mr. Petigru was a little miffed at the want of reverence on the part of his Honor, and the curt manner in which he replied. He gravely said, "may it please your Honor, I have never heard of but one judge holding court on Good Friday, and that was Pontius Pilate!"

Soon after his admission to the bar, there was an old man who brought him a little summary process of twenty dollars to defend. Mr. Petigru advised his client very confidently that he would defeat the case. The old man proved troublesome, and was asking Mr. Petigru, every time he saw him something about the case. At last he said to his client, "go home and make yourself easy about the case, for I pledge you my word that you will never be troubled with the case any more." The old man followed Mr. Petigru's advice. The case came on, however, and the judge decided against Mr. Petigru. He took an appeal and the appeal was dismissed. Remembering what he had told his old and troublesome client, he went and settled the decree and costs out of his own purse. Two or three years afterwards, this old man was sued again in another case for a sum considerably larger than the first. He came to Mr. Petigru's office with the copy writ, and asked him to serve it just as he did the other. Mr. Petigru begged to be excused, and said it would not be convenient for him to do so.

Mr. Petigru was very bitterly opposed to the clergy in referring in politics and preaching political sermons, as they were in the habit of doing, North and South, before the war. He thought they should keep aloof from all worldly affairs as much as possible. In speaking of the part the clergy had acted in, in both sections of the country, in bringing on the war by their appeals to the sectional feelings, prejudices and passions of their congregations, he said it had done more to lessen their usefulness, and injure the cause of religion, with those who were not members of their churches, than anything that had ever happened. I asked him, one day, to go and hear a certain clergyman who had been in battle, and boasted of killing one of his enemy. He replied—"No, Perry, I cannot listen to a homicidal preacher."

In a congressional election which excited a good deal of interest in Charleston, the friends of Mr. Petigru tried to persuade him to vote against the incumbent. He replied to them, "no, no; the incumbent is fool enough for me, and I have no ambition to improve on him by sending a bigger one to Congress." Mr. Petigru had no talent for music. It is said that one evening he heard a young lady tuning her guitar. Meeting her shortly afterwards, he complimented her on the sweet music he had just had the pleasure of hearing from her. The lady was greatly surprised at the compliment, and said "I was only tuning my guitar." "I played nothing!" I remember once saying to Mrs. Fisher, of Philadelphia, who was very fond of music, that I could not tell one tune from another. She replied that she did not know how that was possible. The morning after South Carolina seceded from the Federal Union, Mr. Perry Duncan, who

was a member of the Convention, met Mr. Petigru in the streets of Charleston, and asked him what he thought of it. Mr. Petigru replied that no good could come of it. He was then asked by Mr. Duncan if he did not think England would be forced to sustain the South on account of their cotton. He replied that he did not. "How," said Mr. Duncan, can the world get along without "the cotton of the Southern States?" Mr. Petigru replied, "that if the Southern States were sunk into the ocean, the world would get on very well without them. It had done so for thousands of years before the Southern States were settled, or cotton was cultivated."

[CONTINUED NEXT WEEK.]

Message of Governor Moses.

Gentlemen of the Senate and House of Representatives: From official conference with the chairman of the committee of Ways and Means of the House of Representatives, and of the committee on Finance of the Senate, respectively, I have learned that the General Assembly is about to enter upon that department of legislation which is specially connected with the levy and collection of taxes, in order to raise moneys which may be deemed necessary to meet the expenses of the past fiscal year, and to provide for such deficiencies as now are, or may hereafter be, demanding early settlement.

Believing it my duty, as the Executive of the State, to place before your honorable bodies—and, through them, before the public—all the information in my possession which may have a bearing on this important subject, I hasten, at the earliest practical moment, to transmit such official data as I have been able to collect during the short period which has elapsed since my induction into office.

To the end that the people of the State may understand the nature of the necessities which will govern us in the collection and disbursements of the taxes which they will be called upon to pay into the Treasury, let us, in the beginning, understand each other, and let not the attempt be made to cover up from their view any of the financial difficulties which are pressing upon us as their representatives.

Our dealings between ourselves and those whom we represent should be of that candid and manly character that will carry conviction home to the minds of our constituents, and persuade them that for the future we can safely trust one another.

Each and every tax-payer of our State has the undoubted right to know the true condition of the Treasury, and to understand the nature of all the claims against it, and the manner in which it is proposed that those claims shall be met. Nowhere else can he better derive this knowledge and understanding than in the frank and open conduct of the legislature.

In our present situation prompt and firm action is, above all things necessary; and we should waste no time in unavailing regrets for the past, or vain expectations of the future, but at once proceed to an earnest guardianship of the public interests. But have a care that that guardianship shall be at once so vigilant and so tender, that the chains which you may rivet around the treasurers of the State may not enter into the hearts of the people.

There is no money in the Treasury with which to meet either the current expenses of the State government, or its large and outstanding liabilities. The necessities of the several charitable, educational and penal institutions, which have been so extremely urgent for many months past, still remain unsatisfied, while the collection of the taxes, which was relied on as the sole source of relief, has been suspended by judicial process.

The collection of all taxes levied, or to be levied, under the authority of the Joint Resolution of March 13, 1872, was temporarily enjoined on the 19th ultimo, by his Honor the judge of the Fifth Circuit, on the application of the present State Treasurer, then Treasurer elect.

That injunction was made absolute on the 23d ultimo—his Honor holding that the Joint Resolution in question is violative of Section 3, Article IX, of the State Constitution, which provides: "Section 3. The General Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State, for any year, shall exceed the income of the State for such year, the General Assembly

shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year."

The said injunction also rests upon other grounds, which will more fully appear in the special report of the State Treasurer, which report I have requested for your information in the premises, and herewith transmit.

In compliance with my request I have also received from the State Treasurer an official report embracing a statement of the deficiencies and claims that exist against the State, and which will require to be paid out of the tax about to be levied for deficiencies, and so forth.

The valuable information which I have derived from this report, and which I now communicate to your honorable bodies, has exhibited to me the very gratifying fact that although our new State Treasurer has been but a week in office, during which time he has been surrounded with many difficulties initial to his term, he has already acquired a full knowledge of the varied minutiae which are involved in the performance of his arduous duties. I congratulate the State on the promise thus given of his being a thorough and efficient public officer.

He reports that the deficiencies on his predecessor's books, under the General Appropriation Act, of March 13, 1872, are almost seven hundred thousand (\$700,000) dollars.

They are composed of the following items:

| Fiscal year commencing November 1, 1871, and ending October 31, 1872. | |
|---|-----------|
| Salaries..... | \$132,000 |
| Contingent accounts..... | 19,529 |
| Lunatic Asylum..... | 67,170 |
| Penitentiary..... | 65,416 |
| Quarantine..... | 3,000 |
| Keeper of lazaretto..... | 400 |
| Repairs to lazaretto..... | 600 |
| Militia..... | 13,463 |
| Orphan House..... | 11,500 |
| School Record..... | 6,975 |
| Repairs to University..... | 8,887 |
| Deaf, dumb and blind..... | 10,000 |
| Purchase of books for College Library..... | 1,000 |
| Catawba Indians..... | 800 |
| Clothing discharged convicts..... | 300 |
| Meane Conveyance Office Charities..... | 3,000 |
| Support South Carolina University..... | 19,565 |
| Civil contingent fund..... | 26,000 |
| General education..... | 300,000 |
| For free schools..... | 300,000 |
| Total..... | \$891,895 |

It will be seen that the school deficiency is a very large one; namely, three hundred thousand dollars. But the Treasurer reports that this deficiency can be regarded as in some what of a different position from the others, and states that not more than two thousand dollars of this appropriation has ever been paid.

When it was found impossible to obtain the money which had been appropriated for the conduct of the State Superintendent of Education very properly advised the several county school commissioners to close their schools, and thereby avoid an expense which could not be met without additional legislation. In most of the counties of the State this was heeded, and the schools were closed, and hence it is believed that no more than a third or one-half of the entire appropriation was ever contracted for on account of services performed.

The effort has been made to obtain an account of the exact amount expended or contracted for, but the Superintendent has been unable to acquire from the county school commissioners the necessary information on this point in time for the State Treasurer to furnish me with his report.

The above items, to which your attention has been called, comprise the only deficiencies that exist under the general appropriation act. In addition to these, however, there are certain claims contracted during the past fiscal year which the Treasurer states should be paid out of the deficiency tax now about to be paid; such as the claims for printing, and the notes authorized at the last session of the General Assembly and issued by the Treasurer, and outstanding pay certificates.

The total amount of printing claims, as estimated in the bill reported by the committee on Public Printing, in the House of Representatives, is three hundred and twenty-five thousand (\$325,000) dollars.

This bill I understand is still before the House. The amount of Treasurer's notes outstanding are two hundred and thirty thousand (\$230,000) dollars. The amount of pay certificates are about twenty thousand (\$20,000) dollars. In round numbers, therefore, it will be seen that the total amount of both deficiencies and claims, are as follows:

| | |
|---|-------------|
| Deficiency for Schools and General Appropriation Act..... | \$300,000 |
| For other purposes..... | 331,785 |
| Printing Claims..... | 325,000 |
| Treasurer's Notes, or Bills Issued..... | 20,000 |
| Pay Certificates..... | 20,000 |
| Total..... | \$1,206,785 |

I have thus embodied, in short form the information I have derived from the report of the State Treasurer, and I commend these most important matters to your earliest attention, in order that the necessary tax levy may be made without delay to meet the current expenses of the present fiscal year, and to supply the deficiencies of the fiscal year ending October 31, 1872. Allow me to suggest that the rate of taxation should be determined on the basis of as low an estimated expenditure as will be consistent with the proper maintenance of the various departments of the State government, and the payment of the just and unquestionable obligations of the State.

With a view to ensure the speedy payment of the taxes with the least inconvenience to the tax-payers, and in order to encourage the prompt payment by the citizens of his dues to the State, I recommend that provision be made by law for the granting of a rebate of five per cent. under the pending levy on all taxes paid in, on or before the fifteenth day of January, 1873, and a rebate of fifteen per cent. on the penalty already attached in cases of delinquents, provided that such taxes are now delinquent are paid in, on or before the tenth day of January, 1873.

My general message—based upon the annual reports of the several heads of the departments—will be transmitted at as early a period as possible for the consideration of your honorable bodies. All of these reports have not yet been received, and I am unwilling to make any recommendations that are not founded upon specific data, explicitly stated.

I propose in that message to bring under review all the various matters to which those reports may relate—inclusive of the bonded debt of the State—and to invite your attention to such remedial measures as the necessities of the State appear to demand. The duty of retrenchment and economy imposed upon the Executive and Legislative branches of the Government by the expressed judgment of the people, from whom they derive their powers, is also enforced by the impoverished condition of the public treasury. In this matter, fellow citizens of the General Assembly, you must guide and control, and it will be the bounden duty of others to obey. A judicious system and wise economy in expenditures is not inconsistent with a liberal maintenance of all the State institutions and a speedy liquidation of its legitimate obligations.

All the taxes necessary to the accomplishment of these ends no doubt will be levied, but a high rate of taxation can only be vindicated by a clear necessity, which must be made manifest by plain proofs of logical reasoning.

The highest tax on the lowest basis of expenditure will meet with the sanction of the people.—That basis having been arrived at—the public necessity, in good faith, being the standard—the tax should be promptly levied and rigorously collected.

Whatever may be your action in the premises it must stand as the authoritative decision of the law-making branch of the government by which the citizens must be guided.

I therefore, trust that the people—whose delegates and trustees we are—will be dealt with in a spirit of candid unreserve, it being right to know from their elected agents the exact condition of all their public affairs.

Having performed this duty, let us recognize our own responsibilities, and fearlessly discharge them, without regard to adverse criticism. This is not the time to recriminate, but to act.

F. J. MOSES, JR., Governor.

EXECUTIVE DEPARTMENT, State Treasurer's Office, Columbia, Dec'r. 7, 1872. To His Excellency F. J. Moses, Jr., Governor South Carolina: Sir: In reply to your request, that I should state the reasons that induced us to apply to Hon. S. W. Melton, late Judge of the Fifth Circuit, for an injunction restraining the County Auditors and County Treasurers from levying and collecting the tax ordered by the late Comptroller General, under the joint resolution passed March 13, 1872, I have the honor to state that we considered the law unconstitutional, inasmuch as

it required the entire proceeds of the tax to be applied to the fiscal year commencing November 1, 1871, thus levying two separate taxes during two years; the entire proceeds of which should be applied to paying the expenses of one year. A joint resolution was passed March 4, 1871, (see Vol. XIV, page 706,) levying a tax for the fiscal year 1871, evidently meaning the fiscal year commencing November 1, 1871, as taxes had been levied for each of the preceding years, and had been collected and applied.

Sec. 7. Article IX, of the constitution requires that "the General Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year, and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the General Assembly shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year together with the estimated expenses of the ensuing year."

This permits but one general tax for each year, and a special tax and at the same time to cover any deficiencies that remain from the preceding year. The Joint Resolution passed March 13, 1872, was not only unconstitutional, but defective in another respect that would have produced the most serious embarrassment if the tax had been allowed to be collected under it. It made no provision whatever for the fiscal year commencing November 1, 1872.

Sec. 2, Article IX, of the constitution requires that "no tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same, to which object such tax shall be applied." If the tax, therefore, had been collected under the joint resolution referred to above, I would have been required to apply it, in accordance with the constitution and the law, to the object for which it was levied, viz: the fiscal year commencing November 1, 1871; and therefore, no portion of it could or would have been applied to the fiscal year commencing November 1, 1872; and no claims of any kind under any appropriation act could or would have been paid during this fiscal year. Thus, for the fiscal year commencing November 1, 1871, there would have been the proceeds of two entire separate taxes, but for the fiscal year commencing November 1, 1872, none whatever.

Under such circumstances, therefore, we deemed it best to apply for an injunction restraining the collection of the tax. A temporary injunction was obtained, which was afterwards made permanent, and thus the collection of the tax was suspended and postponed until the General Assembly could convene, and provide for the emergency in a manner that would be constitutional, and at the same time not productive of the serious embarrassments referred to above.

There is a bill now pending in the House of Representatives, which was reported by the Committee of Ways and Means. It first provides for a license tax for the present fiscal year, commencing November 1, 1872, and also provides a special tax for the deficiencies of the present fiscal year, commencing November 1, 1871. I have the honor to be, very respectfully, your obedient servant. F. L. CARDOZO, Treasurer S. C.

The Augusta canal, after its enlargement, will have water 150 feet wide, and fourteen feet deep, with twenty-eight fall—an economical power for manufacturing of over 14,000 horse-power.

Mr. F. Siles, the express messenger on the Cheraw and Darlington Railroad, was thrown from a train on that road lately, and so seriously injured that death resulted.

A Virginia murderer called for oysters on the half shell before going to the gallows, and ate four dozen, because he didn't know as he should get any where he was going.

The annual report of the Congressional printer shows that the disbursements for the past year amount to \$1,809,343.

Mr. John McQueen, of Columbia has been appointed Auditor of the Custom House, at Charleston.

The Nickerson House of Columbia has been formally closed as a hotel. The small pox prevails in Charlotte, N. C.